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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/650,757	08/30/2000	Tadashi Okajima	001111	2509

23850 7590 12/03/2003

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WASHINGTON, DC 20006

EXAMINER

VUONG, BACH Q

ART UNIT	PAPER NUMBER
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2653

DATE MAILED: 12/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/650,757

Applicant(s)

OKAJIMA, TADASHI

Examiner

Bach Q Vuong

Art Unit

2653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_ 6) ☐ Other: \_\_\_\_

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Kasai et al. (US 4,866,687).

Kasai et al., according to Figs. 2-6, shows a disk apparatus for setting to a counter a count value corresponding to the number of tracks to jump over comprising all features of the claimed invention.

Regarding claims 1, see Figs. 2-6 which show a disk apparatus for setting to a counter a count value corresponding to the number of tracks to jump over, subtracting the count value each time a rising or trailing edge is detected in zero-cross signal, and applying brake to finish jump when the count value reached 0, comprising: level determining means (see Fig. 3 or 4) for determining a level of the zero-cross signal; and adding means (see counter 104) for incrementing the count value depending upon the level (see the respective disclosure of Figs 3 and 4).

Regarding claim 2, see Figs. 2 and 3 which show a disk apparatus further including track determining means to determine to which one jump is to be made of a land or groove.

Regarding claim 3, see Figs. 3 and 4 which show a disk apparatus further including direction determining means to determine in which one a pickup is to move of an outward direction or an inward direction of a disk.

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Regarding claims 4 and 5, see respective disclosure of Figs. 3 and 4 which show a disk apparatus wherein a pickup is moving in an outward direction of a disk, the adding means increments the count value when a land is determined and the level is in a low level, and increments the count value when a groove is determined and the level is in a high level; and where a pickup is moving in an inward direction of a disk, the adding means increments the count value when a land is determined and the level is in a high level, and increments the count value when a groove is determined and the level is in a low level.

Regarding claim 6, see Figs. 3 and 4 which show a disk apparatus wherein the level determining means determines the level when the count value reaches a predetermined value (see counter 104).

Regarding claim 7, see Fig. 3 which shows a disk apparatus wherein the level determining means determines the level prior to setting the count value and starting jump.

### ***Cited References***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited references relate to an optical disk apparatus for correcting track zero crossing signal in optical track.

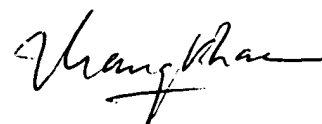
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bach Q Vuong whose telephone number is (703) 305-7355. The examiner can normally be reached on Monday-Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Korzuch can be reached on (703) 305-6137. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

BV  
November 30, 2003

  
THANG V. TRAN  
PRIMARY EXAMINER